

REMARKS

In response to the Office Action dated November 28, 2006, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

Claims 1-64 were provisionally rejected on the ground of non-statutory obviousness-type double patenting, relative to the claims of copending application number 10/465,855. Since this rejection is only provisional in nature, no action is required on the part of Applicant until such time as the claims of one of the two applications are found to be allowable. See MPEP §804(I)(B).

Furthermore, it is respectfully submitted that the Office Action does not provide proper support for the provisional double patenting rejection. The Office Action states that, although the claims of the two applications are not identical, they are not considered to be patentably distinct from each other "because the instant application is a narrower version of the limitations in ('855)." It is respectfully submitted that this statement does not establish that the two sets of claims are directed to the same patentable subject matter. The Office Action explicitly acknowledges that the claims of the present application have a different scope from those of the parent application. However, the Office Action does not show that those differences are obvious to a person of ordinary skill in the art.

For example, claim 1 of the present application recites, among other features, that the windows of a group are repositioned "while maintaining the relative sizes and configurations of the windows..." Claims 1 and 2 of the parent application do not contain this recitation. In order to support the rejection, the Office Action must show that those differences are obvious to a person of skill in the art. That has not been done in the present case.

Accordingly, if the double patenting rejection is not withdrawn, Applicant respectfully requests that the Examiner provide the analysis necessary to support the rejection, by showing that the differences between the claims of the present application and those of the parent application are known in the prior art and would be obvious to a person of ordinary skill. In the absence of such an analysis, it is respectfully submitted that proper support for the rejection has not been established.

Claims 38-40 were rejected under 35 U.S.C. §101. In response thereto, these claims have been amended to recite a computer-readable medium containing the claimed program, pursuant to the guidelines for the examination of computer-related inventions, as set forth in MPEP § 2106.01. It is respectfully submitted that the amended claims comply with the requirements of 35 U.S.C. §101. Withdrawal of the rejection is respectfully requested.

Claims 1-4, 6-13, 15-19, 23-28, 30-40, 44-48 and 50-55 were rejected under 35 U.S.C §102, on the basis of the *Southgate* patent (U.S. 5,561,757). All other pending claims were rejected under 35 U.S.C. §103, on the basis of the *Southgate* patent in view of various secondary references. The examiner is thanked for the detailed discussion of the basis for rejecting each claim.

For the reasons presented hereinafter, it is respectfully submitted that those references do not anticipate, nor otherwise suggest, the subject matter of the currently pending claims. Figure 6 of the *Southgate* patent illustrates a parent window 102 containing child windows that overlap one another. To address the fact that an overlapping window may obscure the contents of another window, the *Southgate* patent discloses the ability to divide the parent window 102 into two areas. Referring to Figure 7, the parent window contains an overlapped window

area 172 and a tiled area 174. Comparing Figures 6 and 7, it can be seen that overlapping window 106 in Figure 6 has been moved to the tiled area 174 in Figure 7. Figure 8 illustrates the situation in which additional windows have been moved into the tiled area, labeled 184.

Claim 1 recites a method of providing an alternative view of a group of open windows on a display. The claim recites that, in response to a command to present the alternative view, all open windows of the group are repositioned so that they appear in a respective area of the display without overlap. It is respectfully submitted that the *Southgate* patent does not disclose this claimed subject matter. Specifically, it does not disclose that in response to a command (singular), all open windows of a group are repositioned. Rather, the *Southgate* patent discloses that the windows are individually moved from the overlapped area 172 to the tiled area 174, i.e., one at a time. Referring to column 8, lines 35-51, the patent discloses three ways in which a child window can be moved from one area to the other. The first way is for the user to click and drag a window. The second way is for the user to click on a tile button 160 in a window, which causes that window to move to the tiled area. The third way is for the user to select a window and then invoke a menu command to move the window. In each case, a single window is moved in response to the user's action. The patent does not disclose that all open windows of a group are repositioned in response to a single command.

This difference illustrates one of the advantages of the claimed subject matter. In the prior art, when a user desired to view the contents of a window that was overlapped by one or more other windows, it was necessary for the user to individually move, close or minimize the overlapping windows, until the desired

window was visible. The *Southgate* patent requires this same type of manual approach to reveal the overlapped window. In contrast, the method of claim 1 enables the user to view the contents of all of the windows in a designated group by entering a single command, e.g., pressing a predetermined function key.

It is respectfully submitted that the *Southgate* patent only teaches that an individual window is moved from the overlapped area to the tiled area when a user enters a command. It is respectfully submitted that a person of ordinary skill in the art would not consider one window to constitute a "group" of windows. For example, Webster's New World College Dictionary defines "group" as "a number of persons or things [plural] gathered closely together and forming a recognizable unit;....a collection of objects or figures [plural]...a number of persons or things [plural] classified together because of common characteristics..." As can be seen, the word "group" connotes a plurality of items, and is not interpreted to refer to a single item.

For at least this reason, therefore, it is respectfully submitted that the *Southgate* patent does not anticipate the subject matter of claim 1. For similar reasons, independent claims 30, 41, 44, 53 and 65, as well as each of their dependent claims, are not anticipated by the *Southgate* patent, since they recite that a plurality of objects are moved in response to a command.

Another feature recited in claim 1 is that the objects in the group are displayed without overlap "while maintaining the relative sizes and configurations of the windows in said group." The *Southgate* patent does not disclose that the proportional sizes of the window(s) are maintained "relative to one another," as recited in the claim. This is due, at least in part, to the fact that, in the user interface of the *Southgate* patent, the windows are individually transferred from the

overlapped area to the tiled area, discussed previously. When a child window is moved from the overlapped area to the tiled area, it undergoes the procedure depicted in the flowchart of Figure 10. In this procedure, the dimensions of the window are changed, as necessary, to fit the window within the tiled area. These changes are made without regard to the dimensions of any of the other windows in the tiled area. Thus, it may be the case that one window can be placed in the tiled area without any change in its dimensions, whereas the next window may require reduction of its width or height in order to fit into the tiled area. The Southgate patent does not disclose that, when such a reduction occurs, it is applied to all of the windows in the tiled area. Rather, the process of Figure 10 is only applied to the window that is currently being placed in the tiled area.

In the user interface of the Southgate patent, the dimensions of the windows are adjusted independently of one another. This concept is best illustrated by the examples of Figures 15A-16B, which pertain to changing the size of the tiled area. For instance, in going from the state at Figure 15B to that of Figure 15C, the patent discloses that "window D is shrunk and window A is slid" (column 14, lines 45-46). In other words, the height of window D is reduced, whereas the height of window A remains the same. Similarly, in reaching the result of Figure 15C, the patent discloses that "window E begins shrinking while window C slides" (column 14, lines 55-56). Furthermore, it can be seen that, in each of Figures 15A and 15B, window E has a greater height than that of window B. However, in Figure 15C, these two windows are of the same height.

Thus, it can be appreciated that, in the user interface of the Southgate patent, the dimensions of each window are adjusted without reference to, or impact upon,

the dimensions of any of the other windows. Some windows can shrink while others remain at their original size. As such, therefore, the *Southgate* patent does not teach the claimed feature of maintaining the proportional sizes of the windows "relative to one another". No consideration is given to the relative sizes of the windows. For this additional reason, therefore, claim 1 is not anticipated by the *Southgate* patent.

For at least this same reason, claims 30, 35, 38, 53 and 65 are likewise not anticipated, since they recite the feature of maintaining the relative proportional sizes of plural objects in the unlayered view.

Claim 35 recites a graphical user interface having a first mode in which plural objects are displayed in a layered environment, and a second mode in which the plural objects are concurrently moved from their positions in the first mode to respective areas such that the content of each of the plural objects is visible without overlap. In view of the distinctions discussed previously, it is respectfully submitted that this subject matter is likewise not anticipated by the *Southgate* patent. In the user interface of that patent, the windows are moved one at a time, in response to individual commands invoked by the user. The *Southgate* patent does not disclose that plural windows are concurrently moved from the overlapped region to the tiled region.

Accordingly, it is respectfully submitted that claim 35 is not anticipated by the *Southgate* patent. For at least this same reason, claims 38, 41, 44 and 53, as well as their dependent claims, are not anticipated by the *Southgate* patent.

Claim 41 recites that, in response to a predetermined command, an animation is executed in which overlapping objects move to respective areas of the display over a discernable period of time. Dependent claim 28 recites similar subject matter.

The Office Action acknowledges that the *Southgate* patent does not disclose this claimed feature, and relies upon the *Rogers* patent for its disclosure of the use of animation in the transition of an object from one configuration to another. It is respectfully submitted that, even if this concept is applied to the user interface of the *Southgate* patent, the claimed subject matter would still not be suggested to a person of ordinary skill in the art. At best, the combination of these two references only suggest that, when a user enters a command to move a window from the overlapped area to the tiled area, the movement of *that* window would be depicted with an animation. This is because the *Southgate* patent only discloses movement of one window at a time, as discussed previously. In contrast, claim 41 recites that a plurality of overlapping objects are moved during the animation period. As a result, a different visual effect is created. The user can see all of the objects moving in unison to their respective positions, rather than a single object moving each time an individual command is invoked.

Accordingly, it is respectfully submitted that the subject matter of claims 29, 41-43 and 73 is not suggested by the *Southgate* patent, even when considered in combination with the *Rogers* patent.

Claim 57 recites a method in which windows are temporarily removed from their normal, obscuring positions in response to a user command, and while they are removed an object on the desktop is selected. The windows are then returned to their original positions, while the object remains selected, and the object is then placed in one of the windows. This feature of the invention is depicted in the sequence of steps illustrated in Figures 19a-19d of the application. Claim 60 recites the converse situation, in which an object in a window is selected, the windows are

temporarily removed from their obscuring positions while the object remains selected, and the object is placed on the desktop. This feature is illustrated in Figures 20a-20d.

In rejecting claims 57-60, the Office Action acknowledges that the *Southgate* patent does not disclose the ability to transfer objects between a desktop and windows in the manner recited in these claims. To this end, therefore, it relies upon the *Bronson* patent (U.S. 5,305,435) as allegedly teaching such a feature. It is respectfully submitted, however, that the *Bronson* patent does not disclose, nor otherwise suggest, the subject matter recited in claims 57-60.

The *Bronson* patent discloses a user interface in which windows can be "pushed" off the visible area of a display screen. When this occurs, a tab is displayed along the edge of the screen, adjacent the virtual location of the window. To return the window to the display area, the user drags the tab, or double clicks on it.

In rejecting claim 57, the Office Action states that the *Bronson* patent teaches the selection of a desktop object while the windows are removed from the display area, with reference to column 9, lines 10-20. This portion of the patent relates to the procedure by which a user can return a window to the display area, such as by double clicking its tab. The Office Action does not indicate what is considered to be the selected object in this scenario. Presumably, the tab is being interpreted as the selected object.

Claim 57 recites the step of returning the windows to their original positions while maintaining the selection of the desktop object, and "placing the selected object in one of said windows." With regard to this latter feature, the Office Action

refers to the *Bronson* patent at column 7, lines 56-59. It is respectfully submitted that this passage does not disclose that an object that was selected while the windows were removed from the display area is placed into one of those windows after they are returned to the display area. Rather, it is simply another description of the technique via which the windows can be restored to the display area. It does not contain any discussion of placing a selected object in one of those windows. Specifically, if the selected object is considered to be the tab for a window, as discussed above, there is no suggestion that such a tab is placed within a window after it is restored to the display screen. In fact, there is no reason to do so. The sole purpose of the tab is to enable the user to return a window to the display screen, after it has been pushed out of the display area. There would be no purpose to be served by placing the tab within the window after the window is restored.

Accordingly, it is respectfully submitted that the *Bronson* patent does not disclose, nor otherwise suggest, the sequence of steps in which windows are temporarily removed from obscuring positions, an object on a desktop is selected and the windows are returned to their original positions while the object remains selected, and the selected object is then placed in one of the returned windows. For analogous reasons, it does not disclose the sequence of steps recited in claim 60.

Furthermore, it is respectfully submitted that the Office Action has not established any motivation that would lead a person of ordinary skill in the art to combine the *Bronson* patent with the *Southgate* patent. In the user interface of the *Bronson* patent, the windows are completely pushed off the display screen, so that they are no longer visible to the user. Because of this situation, the *Bronson* patent

discloses that tabs are displayed, to enable the user to recognize the invisible windows and return them to the display area.

In contrast, the user interface of the *Southgate* patent does not function to remove windows from the display area. Rather, this patent discloses that windows are moved between two different areas within a parent window. Thus, at all times, the windows remain within the display area. As such, there is no need to employ tabs for the purpose disclosed in the *Bronson* patent. It would not be obvious for a person of ordinary skill in the art to combine these two references in the manner suggested in the Office Action.

Claim 61 recites a method in which a plurality of windows that are associated with different applications are displayed and, in response to a command to present an alternative view, the windows associated with one of the applications are repositioned so that they appear without overlap in the foreground of the display. The Office Action alleges that the *Southgate* patent discloses all of the claimed subject matter, with the exception of displaying a window in the foreground of the display. In connection with this distinction, the Office Action refers to the *Bates* patent (US 5,390,295), at column 16, lines 53-58. The Action concludes that it would be obvious to modify the *Southgate* patent to display a window in the foreground.

It is respectfully submitted that, even if the teachings of the *Bates* patent are applied to the user interface of the *Southgate* patent, the claimed subject matter would not be suggested to a person of ordinary skill in the art. First, claim 61 recites the step of displaying a plurality of windows "that are respectively associated with different applications running on the computer." The *Southgate* patent does not discuss windows pertaining to different applications running on a computer. Rather,

the windows disclosed in the *Southgate* patent all pertain to a single application. See, for example, column 5, lines 28-40. As disclosed therein, an application program displays a single parent window 102, and during execution child windows are displayed within the parent window. Thus, the *Southgate* patent does not disclose the display of a plurality of windows that are respectively associated with the *different* applications running on the computer.

Second, the cited passage in the *Bates* patent does not disclose that a particular window is displayed in the foreground of the display. Rather, it is directed to the "focus" of the windows. As described at column 2, lines 17-19, the term "focus" refers to the window that is currently active, e.g., the one that receives keystrokes entered by the user.

The basic concept that is disclosed in the *Bates* patent is that the amount of time that each window is in focus is monitored, such that, when the windows are displayed in a tiled mode, the windows that have longer periods of being in focus are displayed with proportionally larger sizes. See, for example, Figures 2D-2G of the patent. In this tiled mode, windows are not displayed in the foreground or the background. Rather, all windows are displayed at the same level.

Accordingly, an application of the teaching of the *Bates* patent to the user interface of the *Southgate* patent would result in a situation where, when windows are moved into the tiled area 174 of the *Southgate* user interface, those windows which have been active longer will be allocated a greater portion of the space in the tiled area. There is no disclosure in either reference that, when windows are placed in a non-overlapping mode, those associated with one application, out of a plurality of applications, are displayed in the foreground.

Accordingly, it is respectfully submitted that the subject matter of claim 61 is not suggested by the *Southgate* and *Bates* patents, even when considered in combination. For the same reason, claims 62-64 are not suggested by the *Southgate* and *Bates* patents.

Additional distinguishing features of the invention are recited in the dependent claims. For example, claim 1 recites the step of returning the windows to their original positions in response to a user action, and dependent claim 2 recites that this user action is the selection of one of the windows. Thus, claim 2 recites that the act of selecting a window causes the windows to return to their original, e.g., overlapping positions. In rejecting this claim, the Office Action refers to the *Southgate* patent at column 9, lines 13-16 and 20-22. This portion of the patent discloses that a window can be selected by a user to be moved to the tiled area. The window does not actually move, however, until one of the three actions discussed previously, i.e. dragging, activating the tile button, or invoking a menu command, occurs. The patent does not disclose that the act of selecting a window, per se, causes the windows to return to the overlapped area.

For this additional reason, therefore, claim 2 is not anticipated by the *Southgate* patent. For the same reason, claim 46 is not anticipated.

In view of the fundamental differences identified above in connection with the independent claims, it is believed that a detailed discussion of each of the additional distinctions set forth in the dependent claims is unnecessary at this time.

Reconsideration and withdrawal of the rejections, and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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